

REPORT TO: Committee of Adjustment

DATE OF MEETING: March 18, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Ella Francis, Student Planner, 519-783-8602

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: March 5, 2025

REPORT NO.: DSD-2025-099

SUBJECT: Minor Variance Application A2025-018 – 60 Wellington St. N.

RECOMMENDATION:

Zoning By-law 85-1

That Minor Variance Application A2025-018 for 60 Wellington Street North requesting relief from the following sections of Zoning By-law 85-1:

- i) Section 5.3 to permit a building to be located in the Driveway Visibility Triangle (DVT) whereas the Zoning By-law does not permit any obstructions in the DVT; and
- ii) Section 5.5.2 b) and Section 39.2.1 to permit an accessory structure to have a lot coverage of 17.4% instead of the maximum permitted 15%;

to facilitate the construction of a new accessory building in the rear yard of the subject property, generally in accordance with drawings submitted with Minor Variance Application A2025-018, BE APPROVED.

Zoning By-law 2019-051

That Minor Variance Application A2025-018 for 60 Wellington Street North requesting relief from Section 4.1 d) and Section 7.3, Table 7-2, of Zoning By-law 2019-051 to permit an accessory structure to have a lot coverage of 17.4% instead of the maximum permitted 15% to facilitate the construction of a new accessory building in the rear yard of the subject property, generally in accordance with drawings submitted with Minor Variance Application A2025-018, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review the minor variance application to permit an accessory building to be located in the Driveway Visibility Triangle and to have a lot coverage of 17.4% to facilitate the construction of a new accessory building in the rear yard of the subject property.
- The key finding of this report is that the minor variances meet the four tests of the Planning Act.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the north side of Wellington Street, between Moore Avenue and Waterloo Street, in the Mount Hope Huron Park neighbourhood.



Figure 1 — Location of subject property (outlined in RED)

The subject property is identified as 'Protected Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Strategic Growth Area A' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Residential Five Zone (R-5)' in Zoning By-law 85-1. It is also zoned 'Strategic Growth Area 1 (SGA-1)' under Zoning By-Law 2019-051. The property is subject to the requirements of both Zoning By-Laws 85-1 and 2019-051 while the new SGA zones are under appeal.

The purpose of the application is to facilitate the construction of a new accessory structure in the rear yard. The rear yard backs onto a laneway which is used to access rear garages and driveways. The new accessory structure would be facing the laneway. The existing shed would be demolished.

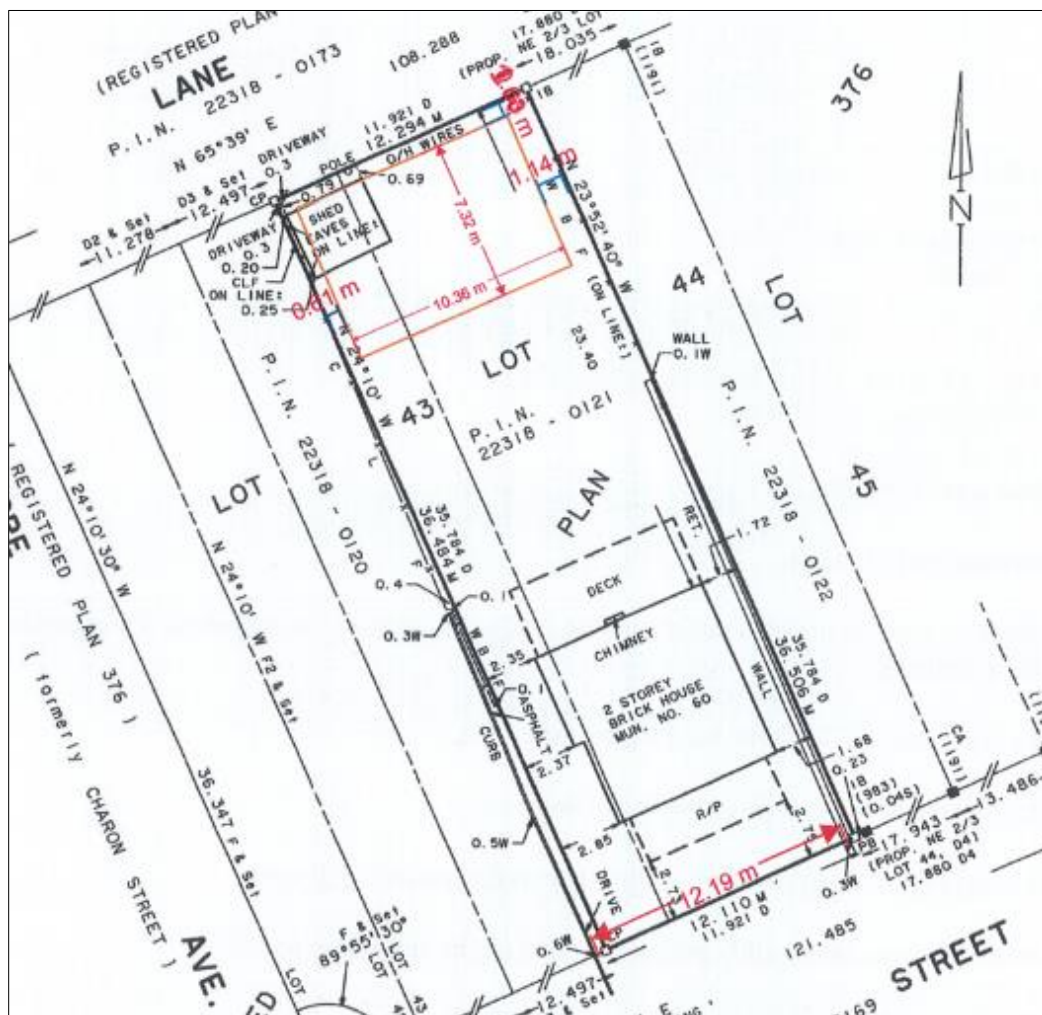


Figure 2 - Site Plan showing proposed accessory structure.

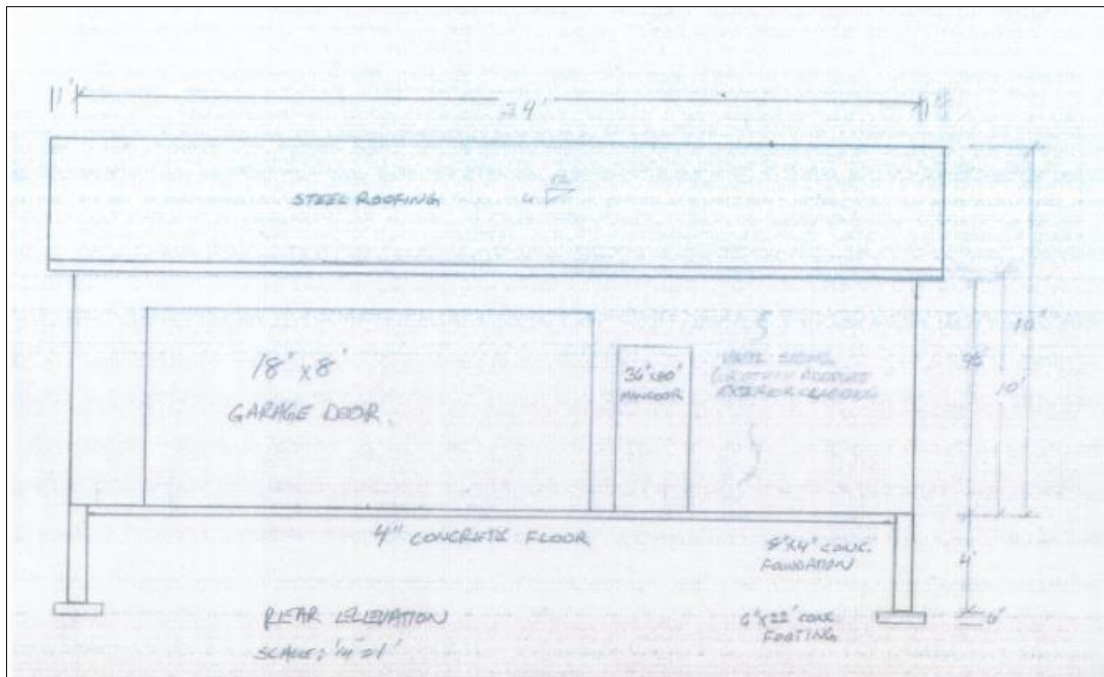


Figure 3 – Rear elevation of proposed accessory structure.

Planning staff conducted a site visit on February 28, 2025.



Figure 4 — Front of 60 Wellington Street North.



Figure 5 — Rear of 60 Wellington Street North viewed from rear laneway.

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject site is designated 'Strategic Growth Area A' (SGA-A) in the City's 2014 Official Plan. Strategic Growth Area land use designations are applied within Protected Major Transit Station Areas and are intended to facilitate intensification and the development of complete communities. The SGA-A land use designation is the least intensive of these designations and is intended to accommodate intensification within low-rise residential neighbourhoods.

The proposed accessory structure will provide slight intensification to the property while maintaining the low rise residential character of the neighbourhood. Therefore, the proposed variances maintain the general intent of the Official Plan.

General Intent of the Zoning By-law

Driveway Visibility Triangle

Section 5.3 of Zoning By-Law 85-1 states that no obstructions to visibility are permitted in the driveway visibility triangle. Further, Section 5.3 states that the purpose of this regulation is to “allow complete view of oncoming motor vehicle and pedestrian traffic by other such traffic entering the intersection or street.”

The proposed accessory structure is proposed to face a rear laneway, which is only subject to traffic from homeowners accessing rear garages and driveways. Staff are of the opinion that traffic on the laneway would not be negatively impacted by the proposed accessory structure.

Further, Zoning By-Law 2019-051 does not require a DVT in Strategic Growth Area zones. When the SGA-1 zoning is implemented and the previous zoning is phased out, this variance would no longer be required. Therefore, the variance regarding the Driveway Visibility Triangle meets the general intent of both Zoning By-Laws.

Lot Coverage

Section 5.5.2 b) and Section 39.2.1 of Zoning By-Law 85-1 state that the maximum lot coverage for an accessory structure is 15 percent. Section 4.1.d) and Section 7.3, Table 7-2 of Zoning By-Law 2019-051 also state this. The purpose of implementing a maximum lot coverage for accessory structures is to ensure sufficient open space on the property and to ensure the accessory building is secondary in size to the primary dwelling.

Sections 5.5.1c) and d) of Zoning By-law 85-1 and Section 4.1c) of Zoning By-law 2019-051 state that 0.6 metres is the minimum side and rear yard setback for an accessory structure. The proposed accessory structure meets these setback requirements. As well, a 1.1 metre setback is proposed on the easterly side of the accessory structure which can provide improved access to the rear yard. Section 39.2.1 of Zoning By-law 85-1 further states that the maximum lot coverage in total for a lot is 55 percent, which the property complies with. Therefore, the variance regarding lot coverage meets the general intent of both Zoning By-Laws.

Is/Are the Effects of the Variance(s) Minor?

The proposed accessory structure will be built in the rear yard facing a laneway, resulting in minimal impacts to the laneway and no impacts to the streetscape. The accessory structure is not anticipated to have any significant impacts on neighbouring properties. As well, the proposed accessory structure will replace an existing accessory structure and paved parking area. Staff do not anticipate any significant or negative impacts arising from the obstruction of the driveway visibility triangle or the increased lot coverage. Therefore, the effects of the proposed variances are minor in nature.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The variances will facilitate the construction of the proposed accessory structure, which will replace a smaller existing accessory structure to provide additional garage and storage space for the property. The proposed accessory structure is also similar to others that

have been constructed along the laneway. Therefore, the proposed accessory structure is desirable and appropriate for the use of the land.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 60 Wellington Street North is located within the Mount Hope/Breithaupt Neighbourhood CHL. The proposed accessory structure in the rear yard is not anticipated to have any major impacts on the cultural heritage value of Mt. Hope/Breithaupt Neighborhood. As such, staff have no concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance. A Building Permit Application has been made for the detached garage.

Engineering Division Comments:

Engineering has no comment.

Parks and Cemeteries/Forestry Division Comments:

No concerns.

Transportation Planning Comments:

Transportation Services have no concerns with this application due to poor visibility under existing conditions. The Applicant is encouraged to offset their building further from the laneway to improve visibility.

Metrolinx Comments

The subject property is located within 300m of the Metrolinx Guelph Subdivision which carries Metrolinx's Kitchener GO Train service.

Advisory Comments

- As the requested variances have minimal impact on Metrolinx property, Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised of the following:

Warning: The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the

environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

GRCA Comments

No concerns.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1 and Zoning By-law 2019-051*